

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of New York

Aaron Rubenstein,

Plaintiff(s)

v.

Carlos Rodriguez, John R. Burch, Charles Keates,
 Heinz Wiezorek, Charlotte Wiezorek, Eva Wiezorek,
 Thomas Brunner, Gary Atwell, Susan Atwell, Larry
 Souza, Sharon Souza, Robert Rubin, Nancy Rubin,
 and Jennifer Coll, individually and as trustee for
 unknown beneficiaries
 Defendant(s)

Civil Action No. 17 Civ. 821 (JPO)

and Sears Holdings Corp., Nominal Defendant

SUMMONS IN A CIVIL ACTION

Larry Souza and Sharon Souza

To: (Defendant's name and address) 417 Camino de Celeste
 Thousand Oaks CA 91360

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Miriam Tauber
 MIRIAM TAUBER LAW
 885 Park Ave 2A
 New York NY 10075
 or by email to: MiriamTauberLaw@gmail.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 3/08/2018

/S/ P. NEPTUNE

Signature of Clerk or Deputy Clerk



8. I declare under penalty of perjury under the laws of the State of NEW YORK and under the laws of the United States Of America that the foregoing is true and correct.

N. Banfield
(NANCY J. BANFIELD)

3939070.62513

<i>Attorney or Party without Attorney:</i> : : : : : : <i>Telephone No:</i>				<i>For Court Use Only</i>
			<i>Ref. No or File No.:</i>	
<i>Attorney for:</i> Plaintiff				
<i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court, Southern District Of New York				
<i>Plaintiff:</i> AARON RUBENSTEIN <i>Defendant:</i> CARLOS RODRIGUEZ, ET AL.				
AFFIDAVIT OF REASONABLE DILIGENCE				
<i>Hearing Date:</i>		<i>Time:</i>	<i>Dept/Div:</i>	<i>Case Number:</i> 17 Civ. 821 (JPO)

1. I, NANCY J BANFIELD, and any employee or independent contractors retained by LEGALEASE, INC. are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant LARRY SOUZA as follows:
2. *Documents:* SUMMONS IN A CIVIL ACTION; SECOND AMENDED COMPALINT FOR RECOVERY OF SHORT SWING PROFITS UNDER 15 U.S.C. § 78p(b) WITH EXHIBITS.

Day	Date	Time	Location	Results
Mon	05/21/18	4:50pm	Home	TRIED RESIDENCE, NO ANSWER AT THE DOOR; QUIET, NO CARS. MAIL VISIBLE ADDRESSED TO LAWRENCE M. SOUZA Attempt made by: NANCY J BANFIELD. Attempt at: 417 CAMINO DE CELESTE THOUSAND OAKS, CA 91360.
Wed	05/23/18	7:20am	Home	TRIED RESIDENCE, NO ANSWER AT THE DOOR; QUIET, NO CARS. MAIL STILL THERE Attempt made by: NANCY J BANFIELD. Attempt at: 417 CAMINO DE CELESTE THOUSAND OAKS, CA 91360.
Fri	05/25/18	7:45am	Home	TRIED RESIDENCE, NO ANSWER AT THE DOOR; NEIGHBOR CONFIRMED ADDRESS Attempt made by: NANCY J BANFIELD. Attempt at: 417 CAMINO DE CELESTE THOUSAND OAKS, CA 91360.
Tue	05/29/18	6:30pm	Home	TRIED RESIDENCE, NO ANSWER AT THE DOOR; NO ACTIVITY, NO CARS Attempt made by: NANCY J BANFIELD. Attempt at: 417 CAMINO DE CELESTE THOUSAND OAKS, CA 91360.
Thu	05/31/18	8:50pm	Home	TRIED RESIDENCE, NO ANSWER AT THE DOOR; DARK, NO ANSWER, MAIL GONE. NO CARS. DOOR MARKER HAS MOVED, THERE HAS BEEN ACTIVITY Attempt made by: NANCY J BANFIELD. Attempt at: 417 CAMINO DE CELESTE THOUSAND OAKS, CA 91360.

3. *Person Executing*
a. NANCY J BANFIELD
b. **LEGALEASE, INC.**
205 EAST 42ND STREET, 20TH FLOOR
NEW YORK, NY 10017
c. 212.393.9070

e. I am: (3) registered California process server

(i) Independent Contractor

(ii) Registration No.: LA 5054

(iii) County: Los Angeles

(NANCY J BANFIELD)

AFFIDAVIT OF REASONABLE DILIGENCE

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

Aaron Rubenstein

Plaintiff,

-VS-

Case No.
17 Civ. 821 (JPO)

AFFIDAVIT OF
MAILING

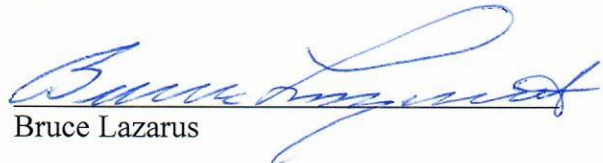
Carlos Rodriguez, John R. Burch, et al.

Defendants.

STATE OF NEW YORK}
COUNTY OF NEW YORK}ss:

Bruce Lazarus, being duly sworn, deposes and says, I am not a party to this action, am over 18 years old and reside at New York, NY;

On June 6, 2018, I mailed a copy of the within SUMMONS and SECOND AMENDED COMPLAINT to LARRY SOUZA, defendant therein named, at 417 Camino de Celeste, Thousand Oaks, CA 91360, their last known address by enclosing same in an envelope, postage prepaid, and depositing it in an official depository under the exclusive custody and control of the United States Postal service. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.


Bruce Lazarus

Sworn to before me this
6th day of June 2018.


NOTARY PUBLIC

MAUREEN I MINTZER
NOTARY PUBLIC-STATE OF NEW YORK
No. 02MI4827421
Qualified in New York County
My Commission Expires 05-31-2018

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 Souza, Sharon Souza, Robert Rubin, Nancy Rubin,
 and Jennifer Coll, individually and as trustee for
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 Defendant(s)

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SUMMONS IN A CIVIL ACTION

Larry Souza and Sharon Souza

To: (Defendant's name and address) 417 Camino de Celeste
 Thousand Oaks CA 91360

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Miriam Tauber
 MIRIAM TAUBER LAW
 885 Park Ave 2A
 New York NY 10075
 or by email to: MiriamTauberLaw@gmail.com

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 3/08/2018

/S/ P. NEPTUNE

Signature of Clerk or Deputy Clerk



Attorney or Party without Attorney: : : : : : : : Telephone No:				For Court Use Only	
Attorney for: Plaintiff					
Insert name of Court, and Judicial District and Branch Court: United States District Court, Southern District Of New York					
Plaintiff: AARON RUBENSTEIN Defendant: CARLOS RODRIGUEZ, ET AL.					
AFFIDAVIT OF SERVICE SUMMONS		Hearing Date:	Time:	Dept/Div:	Case Number: 17 Civ. 821 (JPO)

1. *At the time of service I was at least 18 years of age and not a party to this action.*
2. I served copies of the SUMMONS IN A CIVIL ACTION; SECOND AMENDED COMPALINT FOR RECOVERY OF SHORT SWING PROFITS UNDER 15 U.S.C. § 78p(b) WITH EXHIBITS
3. *a. Party served:* SHARON SOUZA
4. *Address where the party was served:* 417 CAMINO DE CELESTE
THOUSAND OAKS, CA 91360
5. *I served the party:*
d. **by other means** On: Tue., Jun. 05, 2018 at: 4:20PM By posting a copy for each tenant in a conspicuous place on the property, being no person of age and discretion to be found of said tenant(s) at property where situated,
7. *Person Who Served Papers:* *Fee for Service:*
a. NANCY J BANFIELD
b. **LEGALEASE, INC.**
205 EAST 42ND STREET, 20TH FLOOR
NEW YORK, NY 10017
c. 212.393.9070

8. I declare under penalty of perjury under the laws of the State of NEW YORK and under the laws of the United States Of America that the foregoing is true and correct.

AFFIDAVIT OF SERVICE SUMMONS

(NANCY J BANFIELD)

3939070.62514

Attorney or Party without Attorney: : : : : : : Telephone No:				For Court Use Only	
Attorney for: Plaintiff					
Insert name of Court, and Judicial District and Branch Court: United States District Court, Southern District Of New York					
Plaintiff: AARON RUBENSTEIN Defendant: CARLOS RODRIGUEZ, ET AL.					
Ref. No or File No.:		Hearing Date:		Time:	
Dept/Div:		Case Number:		17 Civ. 821 (JPO)	
AFFIDAVIT OF REASONABLE DILIGENCE					

- I, NANCY J BANFIELD, and any employee or independent contractors retained by LEGALEASE, INC. are and were on the dates mentioned herein over the age of eighteen years and not a party to this action. Personal service was attempted on Defendant SHARON SOUZA as follows:
- Documents: SUMMONS IN A CIVIL ACTION; SECOND AMENDED COMPALINT FOR RECOVERY OF SHORT SWING PROFITS UNDER 15 U.S.C. § 78p(b) WITH EXHIBITS.

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Day	Date	Time	Location	Results
Sat	06/02/18	5:30pm	Home	TRIED RESIDENCE, NO ANSWER AT THE DOOR; PORCH LIGHT ON, NO CARS Attempt made by: NANCY J BANFIELD. Attempt at: 417 CAMINO DE CELESTE THOUSAND OAKS, CA 91360.
Mon	06/04/18	7:00am	Home	TRIED RESIDENCE, NO ANSWER AT THE DOOR; NO CARS, NO ACTIVITY Attempt made by: NANCY J BANFIELD. Attempt at: 417 CAMINO DE CELESTE THOUSAND OAKS, CA 91360.
Tue	06/05/18	4:20pm	Home	Posted At Residence on: SHARON SOUZA Home - 417 CAMINO DE CELESTE THOUSAND OAKS, CA 91360 by Serving: party in item 3.a.. Served by: NANCY J BANFIELD

e. I am: (3) registered California process server
(i) Independent Contractor
(ii) *Registration No.:* LA 5054
(iii) *County:* Los Angeles

(NANCY J BANFIELD)

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

Aaron Rubenstein

Plaintiff,

-VS-

Case No.
17 Civ. 821 (JPO)

AFFIDAVIT OF
MAILING

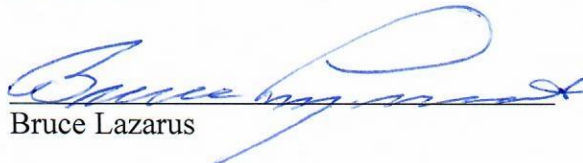
Carlos Rodriguez, John R. Burch, et al.

Defendants.

STATE OF NEW YORK}
COUNTY OF NEW YORK}ss:

Bruce Lazarus, being duly sworn, deposes and says, I am not a party to this action, am over 18 years old and reside at New York, NY;

On June 6, 2018, I mailed a copy of the within SUMMONS and SECOND AMENDED COMPLAINT to SHARON SOUZA, defendant therein named, at 417 Camino de Celeste, Thousand Oaks, CA 91360, their last known address by enclosing same in an envelope, postage prepaid, and depositing it in an official depository under the exclusive custody and control of the United States Postal service. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.


Bruce Lazarus

Sworn to before me this
6th day of June 2018.



NOTARY PUBLIC

MAUREEN I MINTZER
NOTARY PUBLIC-STATE OF NEW YORK
No. 02MI4827421
Qualified in New York County
My Commission Expires 05-31-2018